

Approved May 11, 2005



SCOTTSDALE PLANNING COMMISSION
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
APRIL 27, 2005

PRESENT: David Gulino, Chairman
Steve Steinberg, Vice Chairman
David Barnett, Commissioner
Eric Hess, Commissioner
Jeffrey Schwartz, Commissioner

ABSENT: James Heitel, Commissioner
Steven Steinke, Commissioner

STAFF: Tim Curtis
Kurt Jones
Deborah Robberson
Al Ward
Greg Williams

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:00 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

MINUTES APPROVAL

April 13, 2005

Commissioner Barnett made a request to return the minutes for revision, expressing concerns that comments he had made in regard to the major planning amendment were

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not fully covered, as well as some comments in regard to requests for additional information. He further stated that there needed to be more detail of the discussions and that some points had been missed, particularly with regard to the discussion on the historic property designation.

Mr. Jones stated that the minutes would be revised and returned to the next meeting for approval.

CONTINUANCES

28-UP-2004 (Next Bar & Nightclub): request by owner for a conditional use permit for a bar on a 5137 +/- square feet existing building located at 7111 E 5th Avenue with Central Business District Downtown Overlay (C-2 DO) zoning.

5-UP-2004#2 (Jamaican Blue): request by owner to renew the current conditional use permit and modify the existing stipulations for a Bar in a suite of the existing building located at 4017 N Scottsdale Road with Downtown, Retail Specialty Type 1 District, Downtown Overlay (D/RS-1 DO) zoning.

COMMISSIONER SCHWARTZ MOVED TO CONTINUE 28-UP-2004 TO THE MAY 11, 2005 PLANNING COMMISSION MEETING, AND TO CONTINUE 5-UP-2004#2 TO A DATE TO BE DETERMINED. SECONDED BY COMMISSIONER HESS. THE MOTION PASSED UNANIMOUSLY.

2-GP-2005 Initiation: Mr. Jones stated that this had been discussed in the study session. Staff recommended that this not be initiated this calendar year, pending action from City Council. Mr. Barnett stated that City Council had indicated that they did not want to initiate a general plan amendment, because there was not enough direction in terms of what the Commission was looking for. While, the Commission is looking to make the process more efficient and user-friendly, City Council is more concerned with the scope of the initiation than with the initiation process itself. If the process were initiated and City Council then decided not to move forward, there would be no necessity to follow through and this would preserve the Commission's right. Additionally, this would hold a place on the City Council calendar so that initiation could be discussed, with a view to making it more user-friendly.

Commissioner Hess agreed that initiation would open the door to enable discussion and supported Commissioner Barnett's position.

Commissioner Steinberg asked whether initiation needed to be put on the calendar now to have time to prepare.

Mr. Jones stated that City Council's view had been that opening up the amendment criteria is a very large time and resource issue. Staff could bring forward a report with

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recommendations for the Planning Commission. Initiating the general plan amendment now would keep to a timeline.

Commissioner Barnett wondered why, since so much legwork is involved, staff would do this if there is no plan to initiate? What was the point of discussing something if no decision could be taken? The previous discussion had been on deciding whether to do something or take no action at all.

Chairman Gulino stated that he saw two issues come from City Council: One was that Council did not see a problem, so were curious about why discussion was required. The second issue was that Council felt the Commission was not being specific enough.

He further stated that the Commission's intent was to open up the issue of a major General Plan amendment; his inclination was to be more proactive, having reviewed the information provided by staff and seeing what is occurring in some other communities. The State's definition of a major general plan amendment talks about a substantial alteration. He added that he is a little biased in that he is the only current member of the Planning Commission who voted on the original criteria in 2000 – 2001. Since City Council does not want to consider this issue this year, he believed it would be a waste of resources to proceed at this time. His inclination was to wait until 2006. In the meantime, it should stay on the radar screen to be revisited in about 6 months.

VICE CHAIRMAN STEINBERG MOVED TO CONTINUE THE INITIATION OF 2-GP-2005 TO THE BEGINNING OF CALENDAR YEAR 2006.

Commission members discussed the initiation process. Mr. Jones advised that the Commission could either specify a date or leave it open at their discretion.

VICE CHAIRMAN STEINBERG AMENDED THE MOTION AND MOVED TO CONTINUE THE INITIATION OF 2-GP-2005 AT A DATE TO BE DETERMINED IN DECEMBER, 2005. SECOND BY COMMISSIONER SCHWARTZ. THE MOTION PASSED BY A VOTE OF THREE (3) TO TWO (2) WITH COMMISSIONER BARNETT AND COMMISSIONER HESS DISSENTING.

Chairman Gulino stated that additional research by staff will be required before December, 2005. He wondered whether the Commission should bring this up at a later meeting to give staff direction.

Mr. Jones replied that staff could prepare a schedule for the Commission's approval at a future meeting so that staff could start working on research.

EXPEDITED AGENDA

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2-UP-2005, (Raintree Multi Use) request by owner for a conditional use permit for internalized community storage on a 4.48 +/- acre parcel located at 7227 E Williams Drive with Highway Commercial District (C-3) zoning.

4-UP-2005, (Zipps @ Centennial Marketplace) request by owner for a conditional use permit for sales of alcoholic beverages at a proposed restaurant in a future shopping center located at 14148 N 100th Street with Planned Community Development District, Planned Neighborhood Center (PCD PNC) zoning.

3-AB-2005 (GLO Abandonment on 12009 E Ironwood) request by owner to abandon the General Land Office patent easement on the south side of the property located at 12009 E Ironwood.

Mr. Jones confirmed that each of the uses meets the criteria.

Chairman Gulino reported that a letter had been received on item 7, 3-AB-2005 from Mr. Leon Spiro, OPPOSING THIS REQUEST. MR. SPIRO is not opposed to the City relinquishing their interest in GLOs, but he feels there are other rights that the City does not legally have the authority to relinquish, and he feels that this constitutes a taking of private property rights.

COMMISSIONER SCHWARTZ MOVED TO FORWARD TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL CASE 2-UP-2005 AND CASE 4-UP-2005 IN THAT THEY MEET THE USE PERMIT CRITERIA AND CASE 3-AB-2005. THE MOTION WAS SECONDED BY COMMISSIONER BARNETT AND PASSED UNANIMOUSLY.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 5:22 p.m.

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